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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte KENNETH L. YOUNG¹

Appeal 2019-001805
Application 12/761,418
Technology Center 2100

Before JEAN R. HOMERE, JEFFREY S. SMITH, and IRVIN E. BRANCH
Administrative Patent Judges.

SMITH, *Administrative Patent Judge.*

DECISION ON APPEAL

¹ The real party in interest is Microsoft Technology Licensing, LLC. Appeal Brief 1. We refer to the real party in interest as “Appellant.”

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the rejection of claims 1–12 and 21–28, which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Illustrative Claim

1. A computer-implemented method for automatically generating executable computer code in a visual layout system for transitioning a user interface between user interface layouts, the method comprising:

receiving a first declarative template definition that defines a user interface layout of one or more controls associated with one or more first states of the user interface that will be displayed;

receiving a second declarative template definition that defines a user interface layout of one or more controls associated with one or more second states to which the user interface will transition based on specified user actions within the user interface;

identifying one or more differences between the first template definition and second template definition; and

automatically generating editing operations based on the identified differences that comprise procedural instructions in new un-compiled computer code that, when compiled and executed by a computer, cause a transition of the user interface from the user interface layout defined by the first template definition to the user interface layout defined by the second template definition, the editing operations including modifying a property of, adding, or removing a control,

wherein the preceding steps are performed by at least one processor.

Prior Art

Name	Reference	Date
Kupkova	US 2004/0103124 A1	May 27, 2004
Wei	US 2004/0143823 A1	July 22, 2004
Bernstein	US 7,185,288 B1	Feb. 27, 2007
Begun	US 7,281,018 B1	Oct. 9, 2007
Bailor	US 2009/0150394 A1	June 11, 2009
Jiang	US 20014/0250360 A1	Sept. 4, 2014

Examiner's Rejections

Claims 1–4, 6, 8–12, 21–24, 26, and 28 stand rejected under 35 U.S.C. § 103 as unpatentable over Kupkova, Begun, Wei, and Jiang.

Claims 5 and 25 stand rejected under 35 U.S.C. § 103 as unpatentable over Kupkova, Begun, Wei, Jiang, and Bailor.

Claims 7 and 27 stand rejected under 35 U.S.C. § 103 as unpatentable over Kupkova, Begun, Wei, Jiang, and Bernstein.

ANALYSIS

We adopt the findings of fact made by the Examiner in the Final Action and Examiner's Answer as our own. We agree with the Examiner for the reasons given by the Examiner in the Final Action and Examiner's Answer. We address the following arguments from the Reply Brief to complete the record.

Appellant contends that the document disclosed by Kupkova does not describe “a user interface layout of one or more controls.” Reply Br. 3–7. According to Appellant, “UIs are known in the art as displayed interfaces by which a user interacts via interactive controls with programs/applications executing on a computing device. An XML *document*, or a document generally, is not capable of this functionality and interfacing.” *Id.* at 4.

The Examiner finds that Begun describes a document containing data entry fields, which are “controls” within the meaning of claim 1. Final Act. 7, citing Begun, 3:40–48 (“Each section in the exemplary electronic form template 130 can include one or more data entry fields for received input from the editing user 108, such as data entry field 132. The data entry fields are also referred to herein as ‘editing controls.’”). Appellant does not respond to the Examiner’s finding that Begun’s description of a document with data entry fields, or “editing controls,” teaches “a user interface layout of one or more controls” as claimed.

Appellant contends that Kupkova does not describe transitioning between user interfaces as claimed. Reply Br. 7–10. In particular, Appellant contends that Kupkova does not describe new computer code that is generated for editing operations that cause the UI to transition between UI layouts defined by different template definitions and to have controls so defined. *Id.* at 8. Appellant’s contention is based on the premise that the documents of Kupkova do not describe a user interface layout as claimed. *See id.* at 9 (“Thus the Examiner’s assertion . . . that a UI layout is a ‘document’ is incorrect.”); *id.* at 10 (“In fact, there is no logical basis for the Examiner’s conclusion that an XML document *has* a user interface.”). However, we agree with the Examiner that the combined teachings of Kupkova and Begun teach that an XML document with data entry fields teaches “a user interface layout of one or more controls” within the meaning of claim 1. *See* Final Action 7.

In addition, the Examiner relies on the combined teachings of Kupkova, Begun, and Wei to teach “automatically generating editing operations . . . that comprise procedural instructions in new un-compiled

computer code that . . . cause a transition” as claimed. *See* Final Action 8–9. Appellant does not respond to the Examiner’s finding that the combined teachings of Kupkova, Begun, and Wei teach the “new un-compiled computer code that . . . cause a transition” as claimed.

Appellant contends that “visual layout system” recited in the preamble of claim 1 is entitled to patentable weight. Reply Br. 11–12. The Examiner finds that (a) “visual layout system” is not entitled to patentable weight because the process steps and structural limitations recited in the body of the claim are able to stand alone, and (b) even if “visual layout system” were entitled to patentable weight, this term does not distinguish the claim from the prior art in terms of patentability, because the prior art teaches a visual layout system. Ans. 9. We agree with the Examiner, that “visual layout system” is not entitled to patentable weight because the limitations in the body of the claim are able to stand alone, and even if we were to give weight to this term, the prior art teaches a “visual layout system” as claimed. *See* Final Action 2–7, 20–27; Ans. 9.

Appellant contends that the prior art does not teach automatically generating editing operations based on the identified differences that comprise procedural instructions in new computer code that, when executed by a computer, cause a transition of the user interface from one defined layout to another as claimed. Reply Br. 12–16. The Examiner interprets the scope of “new un-compiled computer code that, when compiled and executed by a computer, cause a transition of the user interface”² as claimed

² Appellant’s Specification as originally filed does not disclose “automatically generating editing operations based on the identified differences that comprise procedural instructions in new un-compiled

in light of Paragraph 18 of Appellant’s Specification (Ans. 12), and finds that the combination of Kupkova, Begun, and Wei teaches this limitation (Ans. 12–15; Final Action 8–9). We agree with the Examiner.

Paragraph 18 of Appellant’s Specification discloses:

The second approach uses templates at design time, and deltas at runtime. In other words, although the system is presented to the designer as a set of multiple templates, internally the system treats the setup as a single template with a set of deltas to transition states. In some embodiments, the system compiles the design time representation with a compiler that produces a runtime version of the interface. The compiler is responsible for determining template correspondence and rewriting each state into a set of editing operations.

The scope of “new un-compiled computer code that, when compiled and executed by a computer, cause a transition of the user interface,” read in light of Paragraph 18 of Appellant’s Specification, encompasses a system that uses a template and a delta to produce a second version of the interface at runtime.

Kupkova teaches a differential document setting forth changes between a first version and a second version of a document, where the second version can be produced by applying the changes in the differential document to the first document. Kupkova, Abstract, ¶ 3, Fig. 2. Begun teaches designing an original version of a form template, using the original version to create a revised version, detecting the changes between the original and revised versions, and using the differences to display a revised version. Begun, 4:54–5:30, 8:10–9:5, 15:5–16:5, Figs. 3, 5a, 5b, 9a, 9b. We

computer code” as recited in claim 1. In the event of further prosecution, the Examiner should consider whether the claims comply with the written description requirement of 35 U.S.C. § 112, 1st paragraph.

find that the combination of Kupkova and Begun teaches “new un-compiled computer code that, when compiled and executed by a computer, cause a transition of the user interface,” as read in light of Paragraph 18 of Appellant’s Specification.

We sustain the rejection of claim 1 under 35 U.S.C. § 103. Claims 2–12 and 21–28, which were not argued separately, fall with claim 1.

DECISION

The rejection of claims 1–4, 6, 8–12, 21–24, 26, and 28 under 35 U.S.C. § 103 as unpatentable over Kupkova, Begun, Wei, and Jiang is affirmed.

The rejection of claims 5 and 25 under 35 U.S.C. § 103 as unpatentable over Kupkova, Begun, Wei, Jiang, and Bailor is affirmed.

The rejection of claims 7 and 27 under 35 U.S.C. § 103 as unpatentable over Kupkova, Begun, Wei, Jiang, and Bernstein is affirmed.

Claims Rejected	35 U.S.C. §	Basis	Affirmed	Reversed
1–4, 6, 8–12, 21–24, 26, 28	103	Kupkova, Begun, Wei, Jiang	1–4, 6, 8–12, 21–24, 26, 28	
5, 25	103	Kupkova, Begun, Wei, Jiang, Bailor	5, 25	
7, 27	103	Kupkova, Begun, Wei, Jiang, Bernstein	7, 27	
Overall Outcome			1–12, 21–28	

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED